

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

LOUIS P. ALBERGHINI,

Plaintiff,

v.

SIMONDS INDUSTRIES INC.,

Defendant.

CIVIL ACTION NO. 04-40092-FDS

Jonathan R. Sigel BBO# 559850

Kathryn E. Abare-O'Connell BBO# 647594

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, Defendant Simonds Industries Inc. ("Simonds" or "the Company") respectfully moves this Court to award Summary Judgment in its favor and dismiss the Complaint filed in this matter in its entirety. As grounds for its Motion, Defendant states as follows:

1. On or about May 26, 2004, Plaintiff filed a Complaint with this Court, alleging four counts of unlawful conduct: Count I (Age Discrimination in violation of M.G.L. c. 151B); Count II (Age Discrimination in violation of the Age Discrimination in Employment Act); Count III (Violation of the Older Workers Benefit Protection Act); and Count IV (Violation of the Civil Rights Act of 1991).
2. Plaintiff has failed to raise any genuine issue of material fact showing that the termination of his employment violated either the ADEA or M.G.L. Chapter 151B. Therefore, Simonds is entitled to judgment as a matter of law on Counts I and II.

3. Counts III and IV of Plaintiff's Complaint must be dismissed because Plaintiff has failed to state claims upon which relief can be granted.

4. In support of its Motion, Defendant relies upon the accompanying documents: (a) Memorandum of Law in Support of Defendant's Motion for Summary Judgment; (b) Statement of Undisputed Facts in Support of Defendants' Motion for Summary Judgment; and (c) Affidavit of Ilda M. Thibodeau.

5. True and accurate copies of all referenced documentation, including pertinent portions of deposition transcripts, are filed herewith as attachments to Defendant's Statement of Undisputed Facts in Support of Defendants' Motion for Summary Judgment.

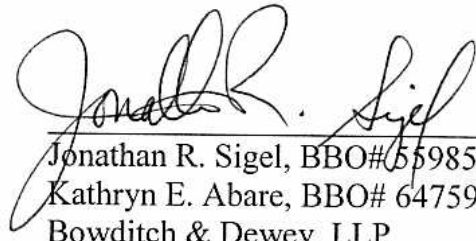
WHEREFORE, Simonds respectfully requests that this Court enter judgment in its favor on all counts and dismiss Plaintiff's Complaint in its entirety.

REQUEST FOR ORAL ARGUMENT

Simonds hereby requests oral argument on its Motion For Summary Judgment.

SIMONDS INDUSTRIES INC.

By its attorneys,


Jonathan R. Sigel, BBO# 559850
Kathryn E. Abare, BBO# 647594
Bowditch & Dewey, LLP
311 Main Street, P.O. Box 15156
Worcester, MA 01615-0156
(508) 791-3511

Dated: August 8, 2005